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EXPRESS MAIL CERTIFICATE

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PATENT TRADEMARK OFFICE

Docket No: 5407/1J328-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Daryl REAL; Mike D. TOKACH; Steve S. DRITZ; Jim L. NELSEN;
Robert D. GOODBAND; Jason WOODWORTH; Kevin Q. OWEN

Serial No.: 10/087,198

Art Unit: 1614

Confirmation No.: 8576

Filed: March 1, 2002

Examiner: Donna A. Jagoe

For: METHOD OF ENHANCING REPRODUCTIVE PERFORMANCE IN SOWS

DECLARATION UNDER RULE 132 OF JASON WOODWORTH

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

Sir:

1. I, Jason Woodworth, declare as follows:
2. That I am a co-inventor of the subject application and the Technical Service Manager of the Lonza Group, one of the assignees of the subject application.
3. That I am familiar with the prosecution of the subject application and have noted that the Swine Update article of Spring 2001 has been cited by the Patent Examiner in the Office

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3. That I am familiar with the prosecution of the subject application and have noted that the Swine Update article of Spring 2001 has been cited by the Patent Examiner in the Office action dated December 18, 2002 as the basis for rejecting the claims under 35 U.S.C. §102(a). In the Office action, the Examiner, on page 2, refers to this article as "Nelszen et al."

4. That, since the Swine Update does not indicate a date of publication, I undertook to ascertain the publication date by contacting the Kansas State University Publication Unit.

5. That I learned that the request for reproduction was made on May 22, 2001 and that 2100 copies were requested by June 5, 2001. I am enclosing as Exhibit A a copy of a Production Services/Duplicating Work Order No. 82201 which was obtained from the Kansas State University Publication Unit which evidences this request.

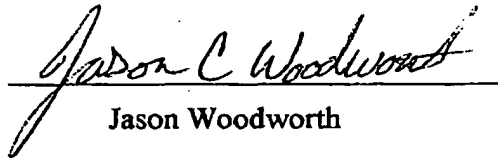
6. That, while I could not establish with certainty when exactly the copies requested were in fact made and distributed, it may be reasonably concluded from the facts presented that no copies were available for distribution prior to May 22, 2001, the date the reproduction was requested, and that the distribution in fact took place after June 5, 2001.

7. That I am familiar with the Swine Update article and, though the article does not name the authors or the inventors of the work performed therein, I know of my own knowledge that the invention described therein is the same invention as the invention described in and the inventors of the Swine Update article are the same inventors as the inventors of the subject application.

8. That, therefore, it is my understanding that, based on the facts set forth above, the Swine Update article is not prior art with respect to the subject application.

I declare further that all statements made in this Declaration of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 3-30-03


Jason Woodworth



#36548

Rob West

Req. # 822-01

PRODUCTION SERVICES/DUPLICATING WORK ORDER

Bill to Animal Sciences
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Title of Job Swine Update -- Spring 2001
Contact Person Donna Sheffield Pub. No. UNN Phone 2-1144

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Ink color Black and PMS 208
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